

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARLIN E. JONES,)	
)	
Plaintiff,)	
)	4:06CV3051
vs.)	
)	ORDER
TERRY L. BURNS,)	
)	
Defendant.)	

Plaintiff has filed a motion for reconsideration regarding the appointment of counsel and a response explaining why sanctions should not be imposed against him. These documents reflect the plaintiff's misapprehension that he should be appointed counsel simply because he was allowed to proceed in forma pauperis and is not an attorney. That is not the case.

In this action, the plaintiff seeks a \$1 million judgment against the defendant, based on a single state law claim for libel. Subject matter jurisdiction is based on 28 U.S.C. § 1332¹ (diversity of citizenship). The plaintiff is advised that it would be a rare event indeed for any court to appoint counsel in a matter such as this.

Since the plaintiff will be proceeding without the assistance of counsel, it is his affirmative obligation to seek out and become familiar with the applicable Federal Rules of Civil Procedure so that he may gain at least some insight into the proper conduct of a lawsuit. The Federal Rules are freely available at any law library, and the plaintiff is expected to make a good faith attempt to follow these rules and the orders of the court.

¹Under 28 U.S.C. § 1332(a), the federal district courts have original jurisdiction of all civil actions where the matter in controversy exceeds the cost of **\$75,000**, exclusive of interest and costs, and is between citizens of different states.

In other words, the fact that plaintiff will be proceeding without counsel does not give him carte blanche to pursue his claims in an unreasonable manner.

IT IS ORDERED:

1. Plaintiff's Motion for Reconsideration regarding the Appointment of Counsel [60] is denied. The court will not appoint counsel to represent the plaintiff in this matter.
2. The Order to Show Cause [57] is deemed satisfied.

DATED August 7, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**